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**Human Rights Council**  
Working Group on Arbitrary Detention**Opinions adopted by the Working Group on Arbitrary Detention at its ninety-seventh session, 28 August–1 September 2023****Opinion No. 47/2023 concerning Abduljabbar Isa Abdulla Hasan Mohamed, Fadhel Abbas Abdulla Hasan Mohamed, Ahmed Abdulla Marhoon Rashed, Hasan Ali Abdulla Rashed Ahmed Rashed, Mohamed Abduljabbar Mansoor Ali Husaini Sarhan and Faris Husain Habib Ahmed Salman (Bahrain)**

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.
2. In accordance with its methods of work,<sup>1</sup> on 12 May 2023 the Working Group transmitted to the Government of Bahrain a communication concerning Abduljabbar Isa Abdulla Hasan Mohamed, Fadhel Abbas Abdulla Hasan Mohamed, Ahmed Abdulla Marhoon Rashed, Hasan Ali Abdulla Rashed Ahmed Rashed, Mohamed Abduljabbar Mansoor Ali Husaini Sarhan and Faris Husain Habib Ahmed Salman. The Government replied to the communication on 10 July 2023. The State is a party to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
  - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
  - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

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<sup>1</sup> [A/HRC/36/38](#).

(d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

## **1. Submissions**

### **(a) Communication from the source**

4. Abduljabbar Isa Abdulla Hasan Mohamed is a 20-year-old Bahraini national who was working at a McDonald's franchise in the capital city, Manama, at the time of his arrest.

5. The source reports that Mr. Abduljabbar Mohamed was arrested on 22 November 2021 after the end of his shift in the Juffair region of Manama by officers of the Ministry of Interior, some in civilian clothing, and riot police without presenting an arrest warrant or providing a reason for his arrest. He was not summoned prior to his arrest nor wanted by the authorities. His arrest was part of a series of arrests conducted by the authorities on the same day.

6. Mr. Abduljabbar Mohamed was taken to the Criminal Investigations Directorate (CID). On the day of his arrest, the family learned of his transfer to the Salmaniya Medical Hospital from a photo on social media, not from the authorities, stating that a political prisoner was in the hospital. On 23 November 2021, he called his family to inform them that he had been transported to the Salmaniya Hospital after he had fallen and that he had been taken back to CID. His treatment ended without the provision of any medications, on the pretext that they were unavailable at the hospital. He was held at CID for two weeks, during which time he was able to call his family for only a few seconds.

7. At CID, he was interrogated for 10 days without the presence of his lawyer; officers subjected him to severe torture, including beatings, and threatened to arrest his family members and to electrocute and rape him. Using threats of death, they forced him to sign an investigation record prepared in advance without reading it. They also subjected him to discriminatory treatment on the basis of his sect, telling him "Let Iran benefit you".

8. Mr. Abduljabbar Mohamed was forced to make a confession under torture, which was used against him in court proceedings. He was not given adequate time or facilities to prepare his defence, nor was he allowed to present evidence in court or to challenge the evidence against him.

9. On 1 December 2021, he was presented to the Public Prosecution Office. Reportedly, the prosecutor yelled at him when he denied the charges and forced him to sign the above-mentioned investigation report without reading it.

10. On the same day, Mr. Abduljabbar Mohamed was presented to a forensic pathologist, but all traces of the torture that he had endured 10 days previously had disappeared. The technical opinion in his medical forensic report, released on 1 December 2021, indicated that there were no signs of criminal violence or resistance and that, overall, he was in a good shape.

11. Prior to his arrest, Mr. Abduljabbar Mohamed had undergone a bypass operation to address his obesity and also suffered from colon problems and kidney stones. The prison administration refused his request for the medicines he required for his health problems before the arrest on the grounds that they were too expensive, and also refused to allow his family to bring them in.

12. Mr. Abduljabbar Mohamed's family was not allowed to visit him because of the coronavirus disease (COVID-19) pandemic, and only video calls were allowed: on the video calls he looked very tired and bruised.

13. On 1 March 2022, Mr. Abduljabbar Mohamed was not taken to a session held in the Public Prosecution Office. The family found out about the session from Mr. Abduljabbar Mohamed's lawyer, who was denied entry and had to wait outside the office for the decision to renew his client's pretrial detention for another 30 days.

14. He is charged in the "Al-Ashtar Brigades" terrorism case with: organizing terrorist groups; illegal assembly and rioting; and burning tires in the street. He was interrogated about having received training in Iraq in 2015 when he went to commemorate a religious event.

15. A family member filed a complaint with the Ombudsman on 7 March 2022, demanding that Mr. Abduljabbar Mohamed be provided with medicines, healthy meals and follow-up hospital appointments at Salmaniya Hospital. However, nothing has been done.

16. The prison administration has deprived Mr. Abduljabbar Mohamed of access to sanitary products and masks, leaving him without protection from COVID-19. There is no cleaning or sterilizing of his cell, nor is there proper ventilation.

17. On 15 January 2023, he was sentenced, in absentia, to 10 years in prison. His lawyer was present during the ruling.

18. Mr. Fadhel Abbas Abdulla Hasan Mohamed, born on 4 November 2001, is a 20-year-old Bahraini national who was employed at the time of his arrest.

19. On 22 November 2021, at 6 a.m., Mr. Fadhel Mohamed's house was raided by officers in civilian clothing and officers from the Ministry of Interior, including riot police, without presenting any arrest or search warrant. They searched the living room and confiscated his phone. They took him to his previous house in Nuwaidrat, where they thoroughly searched the place, destroying its contents. A family member heard that they also took him to a relative's cafe in Nuwaidrat. The officers did not mention the reason for the arrest. Mr. Fadhel Mohamed was not wanted or summoned prior to the arrest. Another family member was also arrested with him.

20. On 23 November 2021, Mr. Fadhel Mohamed called his family, informing them that he was being held at CID. The family was informed by CID that they would be coming to the family house. Upon their arrival, officers in civilian clothes confiscated the family's only car, after having asked how many cars the family had. Officers informed Mr. Fadhel Mohamed's close family member that he was in the car. However, their superior rejected the request of a family member to see him, advising that he was not in the car, and also confiscated his wallet. The next day, officers called the family and asked for his clothes. They took only one suit and would not accept hygiene products or other suits.

21. Following his arrest, Mr. Fadhel Mohamed was beaten while in the detention bus, including by officers affiliated with the Ministry of Interior. An officer beat him, making him fall off the bus and causing an injury to his hand.

22. Mr. Fadhel Mohamed only made two phone calls to tell his family that he was fine. During his interrogation at CID, where he was tortured for 10 days, subjected to beatings and ill-treatment, threatened with rape and electrocution to extract a confession and forced to sign a prepared interrogation report without reading it. During his trial and investigation, he was denied family visits because of the COVID-19 pandemic and only voice and video calls were allowed.

23. On 30 November 2021, he was brought before the Public Prosecution Office, without his lawyer, where he was threatened with torture unless he confirmed the confession he made at CID. He agreed and signed the report without reading it while being watched by officers from CID. Mr. Fadhel Mohamed was presented to a forensic pathologist on the same day he was brought before the Public Prosecution Office; the doctor ignored his hand injury and did only the systematic exams that are done for anyone who gets arrested.

24. Mr. Fadhel Mohamed did not have adequate time or facilities to prepare for trial, nor was he able to present evidence or to challenge evidence presented against him at trial. He was denied access to his attorney during his interrogation and trial.

25. His family member was released after spending 10 days at CID. A second family member is wanted in a political case.

26. Mr. Fadhel Mohamed is charged with: joining a terrorist cell, “Al-Ashtar Brigades”; possessing explosive devices, weapons and ammunition; receiving military training; and receiving and delivering money from a terrorist cell. As a result of the torture, he confessed to the charges.

27. On 15 January 2023, he was sentenced in absentia to 10 years in prison. His lawyer was present.

28. Mr. Fadhel Mohamed is still not allowed to have any visits and his family can only contact him through voice and video calls. Recently all connections have ceased.

29. Mr. Ahmed Abdulla Marhoon Rashed, born on 26 June 1988, is a Bahraini goalkeeper for Al-Itifaq club and the national football team.

#### *First arrest*

30. Mr. Ahmed Rashed was arrested for the first time at his home at dawn on 7 August 2012 by armed officers, under the pretext that he was wanted by the police. Following his arrest, his family called CID, the Public Prosecution Office and the Roundabout No. 17 police station, all of whom denied his presence. Two days after his arrest, he called his family asking for clean clothes to be brought to him at the Dry Dock Detention Centre. He was subsequently transferred to CID where the officers tortured him, falsely accusing him of a role in the “Diraz explosions” case.

31. Almost one year after his arrest, he was sentenced to 5 years and 6 months in prison. After the events of 16 August 2013 at “Ward 10” of the Dry Dock Detention Centre, where the prisoners were falsely accused of assaulting police officers, Mr. Ahmed Rashed was sentenced to an additional 3 years in prison, bringing his total sentence to 8 years and 6 months. After 7 years in prison, he was released under alternative sentencing on 18 March 2020.

#### *Second arrest*

32. On 22 November 2021, in the early hours of dawn, officers in civilian clothing raided his house, arbitrarily arrested him for a second time and confiscated his phone. They did not present an arrest warrant nor state the reason for the arrest. Hours after his arrest, he called his family to inform them that he was at CID but was subsequently held incommunicado for about two weeks. After two weeks, he called again to tell his family that he needed clothes.

33. Reportedly, during interrogation, officers from CID tortured Mr. Ahmed Rashed for three weeks. He was denied access to his lawyer during his interrogation and was brought before the Public Prosecution Office 10 days after his arrest. Authorities subsequently transferred him to the Dry Dock Detention Centre where he was not allowed to make phone calls and forbidden visitation rights because of the COVID-19 pandemic.

34. Under torture, Mr. Ahmed Rashed confessed to the charges and his confession was used in his trial. He did not have adequate time or facilities to prepare for trial, nor was he able to present evidence or challenge evidence presented against him at his trial.

35. He is charged with: joining a terrorist cell, “Al-Ashtar Brigades”; possession of explosive devices, weapons and ammunition; receiving military training; and receiving and delivering money from the terrorist cell.

36. On 13 July 2022 he tested positive for COVID-19, but there is no record of his treatment.

37. On 15 January 2023, he was sentenced in his absentia to 10 years in prison and fined 100,000 dinars. His lawyer was present at sentencing.

38. Hasan Ali Abdulla Rashed Ahmed Rashed, born on 22 May 2005, is a 16-year-old national of Bahrain from Karrana.

39. He was a minor when he was arrested at his house at dawn on 26 November 2021 by masked riot police, including some in civilian clothing. They raided his home, presenting a warrant, although his family members were not allowed to read it.

40. The officers inspected the house, while filming, without presenting a search warrant. They refused to allow the family to pray or use the bathroom. They handcuffed him and confiscated his identification and cell phone before taking him without informing his family of his destination. Both after his arrest and in the detention bus, he was beaten and threatened with rape and electrocution.

41. Mr. Hasan Rashed spent four days at CID. He was allowed a short phone call the day after his arrest to inform his family of his location. He was allowed to call again on the third day after his arrest to inform them that it was his last day at CID. A family member called many times to check on him and ask about the reason for his arrest, but there was no reply at CID.

42. During his interrogation, officers physically tortured Mr. Hasan Rashed, beating him to the point of death and threatening him with electric shock and rape. Under the threat of death, they forced him to sign, without reading, a pre-prepared interrogation report. He was denied access to a lawyer and no family members were allowed to be present, despite the fact that he was a minor.

43. On 30 November 2021, Mr. Hasan Rashed was transferred to the Public Prosecution Office, which ordered his transfer to the Dry Dock Detention Centre (tenth ward), where he was refused permission to call his family to inform them of his whereabouts. A family member's request to ask the reason for his arrest and to talk to him was denied owing to the large number of detainees. After almost a week, he was able to video call his family for the first time. Afterwards, he did not contact his family, leaving them worried. After some days, he contacted his family through informal channels, asking for clothes and money. His family informed him that the Prosecution had ordered his detention for 60 days.

44. While Mr. Hasan Rashed was at the Public Prosecution Office, neither a lawyer nor a guardian was present. The management of the Dry Dock Detention Centre accepted the money sent by his family but refused to accept the clothes. Although the money was delivered to Mr. Hasan Rashed, he did not call. His family called again, asking to speak with him, but was told once again that the number of detainees was large and that calls had been delayed. After some days, Mr. Hasan Rashed called to inform his family about the torture he had endured during his four-day stay at CID.

45. Mr. Hasan Rashed asked the management of the Dry Dock Detention Centre to appoint a lawyer, but his lawyer is still waiting to receive power of attorney so that he can follow up on the case officially. As yet, he has not been allowed to meet his family, except for his one video call.

46. Mr. Hasan Rashed has continued to be detained at the Dry Dock Detention Centre since the 60-day extension of his detention by the Public Prosecution Office in January 2022. The Office later extended his detention further.

47. He is the defendant in a mass trial and is charged with: joining a terrorist cell; possession of explosive devices, weapons and ammunition; receiving military training; receiving and delivering money from the terrorist cell; and arson. He was not given adequate time or facilities to prepare for the trial and was unable to present or challenge evidence.

48. He has been unable to complete his studies and has received no response from the authorities to his requests in this regard. At the Dry Dock Detention Centre, he is permitted to video call his family once a week while his regular calls are sporadic. His family experiences difficulties while trying to deliver clothes and pictures.

49. A juvenile social worker met with him and with his family to submit a report to the court about his psychological and social condition.

50. On 15 January 2023, he was sentenced in absentia to 3 years in prison. His lawyer attended the session.

51. Mohamed Abduljabbar Mansoor Ali Husaini Sarhan, born on 7 May 2001, is a 20-year-old Bahraini national, who was a first-year student at the University of Bahrain at the time of his arrest.

52. On 22 November 2021, at 3 a.m., officers in civilian clothing and riot police raided and arrested Mr. Sarhan in his relative's house. They were deployed around the house without asking permission and said that they had an arrest warrant, although they refused to show it to the family and did not mention the reason for his arrest. They searched the house, confiscating his deceased relative's cars and three phones.

53. After his arrest, officers transferred Mr. Sarhan to CID. He called his family to inform them about his location. The next day, his family received a call from the investigators requesting clothes for him.

54. Mr. Sarhan was investigated for giving his relative a sum of money in 2017, after another relative, wanted for political reasons and located outside Bahrain, contacted him to hand over an envelope that had been thrown into the street. During interrogation, he was tortured to extract a confession about the location of the weapons they claimed were in his possession, although he insisted that he had not done anything. He was beaten on the face and all over his body while naked. He was subjected to genital mutilation and raped. The 10-day interrogation and subsequent presentation to the Public Prosecution Office were without the presence of his lawyer.

55. The Public Prosecution Office repeatedly extended his pretrial detention while he was held at Dry Dock Detention Centre where the administration refused to receive his medications sent by his family. He has not received any medical treatment.

56. His charges include: joining a terrorist cell; possession of explosive devices, weapons and ammunition; receiving military training; and receiving and delivering money from a terrorist cell. He did not have access to his lawyer during the trials and was not given adequate time or facilities to prepare for the trial. He did not attend the court sessions. Despite being sentenced in a mass trial, he has no connection to the other individuals arrested.

57. After his lawyer requested an urgent investigation into his torture, on 9 February 2022, the Special Investigation Unit met with Mr. Sarhan, who disclosed details of the torture. On the same day, the Unit sent a forensic doctor to check on Mr. Sarhan. The doctor arrived without examination tools and only took photographs with his phone. The family is yet to receive a response. Mr. Sarhan suffers from shortness of breath and nosebleeds. Two of his teeth were broken as a result of torture. He calls his family almost daily.

58. On 15 January 2023, he was sentenced in his absence to 10 years imprisonment and fined 100,000 dinars. His lawyer was present during the ruling.

59. Mr. Faris Husain Habib Ahmed Salman, born on 7 September 2003, is a Bahraini national who was a student at the time of his arrest.

#### *First arrest*

60. Mr. Salman was arrested for the first time while he was a minor. He was summoned to CID in Adliya on 9 February 2021. On 10 February, a visiting family member was asked to sign papers without reading them and told to go with Mr. Salman to the headquarters of the Supreme Criminal Court. On 11 February, Mr. Salman and his family went to the court building where the court held its first session. Four charges were brought against him in connection with the protests of February 2020, all of which he all denied. He was arrested on the same day and held for a month at the Dry Dock Detention Centre.

61. During his detention, he was subjected to several violations, including threats of raping members of his family. He was interrogated and brought to the prosecution without his guardian or a lawyer. A police officer threatened that he would be re-arrested after he turned 18 as reprisal for his family filing a complaint against the officer for cutting Mr. Salman's hair without his consent and assaulting him. On 11 March 2011, as a result of the mobilization of international human rights groups, Mr. Salman was released and received an alternative sentence of six months of agricultural work on charges of illegal assembly, rioting, possession of Molotov cocktails and burning tires.

62. However, on 12 July 2021, the family received a summons for investigation from Roundabout No. 17 police station in Hamad Town, where Mr. Salman was interrogated

regarding his participation in a demonstration. After an investigation that lasted hours, he was released.

#### *Second arrest*

63. On 26 November 2021, after Mr. Salman turned 18, security forces, masked officers in civilian clothing and an officer wearing official clothing without an emblem raided his house at 5 a.m. Officers entered all of the rooms in the house, despite the presence of a veiled relative, searched the house and destroyed its contents. They woke up Mr. Salman in his bedroom and handcuffed him. A family member could hear the sounds of him being beaten. He was arrested without being presented with a warrant or a reason for his arrest and the family was told he would be taken to CID.

64. Mr. Salman called his family on the same day for a few seconds, saying that he was at CID. On the second day, at approximately 2 a.m., riot police and officers in civilian clothing raided and searched his house without presenting a search warrant. Later, his calls were cut off for six days.

65. At CID, Mr. Salman was interrogated for a week and tortured, without the presence of his family or lawyer. He was threatened with electrocution and the rape of his family. As a result, he signed a forced confession that he had received funds and created incitement. As a result of torture, he suffers from chronic headaches and leg pain. On 30 January 2022, his detention was renewed for 60 days.

66. He was denied legal counsel during his trial and not given adequate facilities or time to prepare his defence nor to challenge or to present evidence. He is in the Dry Dock Detention Centre.

67. He calls his family regularly for 10 minutes or less and makes video calls once a week. He suffers from chronic migraine and takes medicines daily.

68. On 15 January 2023, he was sentenced in absentia to 10 years in prison and fined 100,000 dinars. His lawyer attended the ruling. His charges include: joining a terrorist cell; possession of explosive devices, weapons and ammunition; receiving military training on using weapons and explosives; and receiving and delivering money from a terrorist cell.

#### *Analysis of violations*

69. The source submits that the above cases must be understood in the context of a pattern employed by the Bahraini authorities of conducting warrantless arrests and raids, including their systematic use of torture to coerce confessions during interrogations or as a form of reprisal during imprisonment.

70. Messrs. Abduljabbar Mohamed, Fadhel Mohamed, Ahmed Rashed and Salman were all arrested without warrants. Messrs. Hasan Rashed and Sarhan were not allowed to read their arrest warrant. None of the above individuals were informed of the reason for their arrest or charges against them.

71. The six individuals were prevented from accessing legal counsel and denied adequate time and facilities to prepare their defence and were not presented to a judicial authority within 48 hours after their arrest.

72. Mr. Hasan Rashed was interrogated without the presence of a guardian, despite being a minor, in violation of the Convention on the Rights of Child.

73. All six defendants have reported being subjected to torture and ill-treatment to extract confessions, which were subsequently used against them at trial. Only the claim of torture lodged by Mr. Sarhan was investigated by the authorities, without any result or response.

74. All six individuals were convicted on the basis of confessions obtained through torture.

75. Therefore, the authorities failed to observe norms stipulated in articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights and articles 12, 13, 14 and 15 of the Convention against Torture.

76. The arrest of the six individuals and deprivation of their liberty lacks legal basis and is thus arbitrary under category I.

77. Their detention is also arbitrary under category III owing to the grave violations of the right to a fair trial since they were denied legal counsel, forced to confess under torture and denied adequate time and facilities to prepare for their trial.

78. Mr. Abduljabbar Mohamed faced sectarian insults during his interrogation, which reveals the sectarian nature of his targeting, rendering his detention arbitrary under category V.

**(b) Response from the Government**

79. On 12 May 2023, the Working Group transmitted the allegations from the source to the Government of Bahrain under its regular communication procedure, requesting a reply by 11 July 2023.

80. In its reply of 10 July 2023, the Government submits that the incident involves a number of people, including those convicted who formed a terrorist group affiliated with the Al-Ashtar brigades terrorist organization, led by terrorists outside Bahrain, who were issuing orders and instructions to the members inside the country, where they planned to carry out terrorist operations targeting economic headquarters, financial companies and employees of the security services. It was proven that the perpetrators were trained to use and manufacture weapons and explosives, possessed and acquired explosive materials to use for terrorist purposes and received, transported and delivered funds for the benefit of a terrorist group.

81. The Government makes submissions on the evidence it has relied on.

82. Mr. Abduljabbar Mohamed was arrested on 22 November 2021 based on an arrest warrant and search warrant duly issued on 21 November 2021. He made his first call to a family member on 22 November 2021. When asked by the Public Prosecution if he had a lawyer to attend him prior to his interrogation, he answered "no". However, a lawyer attended him during his trial. He confessed to charges of joining a terrorist group and possessing and obtaining weapons for terrorist purposes.

83. Mr. Abduljabbar Mohamed did not claim that he had been tortured during his interrogation. He was presented to a forensic doctor and no injuries were found on him. The medical report indicates that he does not suffer from any chronic diseases, that he is not prescribed any treatment or medication; his medical examination shows him to be in good health and his vital signs to be at a normal level. A complaint was received from his family to the Ombudsman, alleging that he was not receiving necessary treatment for health issues. The General Secretariat confirmed with the relevant authorities that the inmate had been examined and the necessary treatment prescribed.

84. Between April and June 2023, Mr. Abduljabbar Mohamed made 233 calls, had four visits and three video calls. On 22 May 2023, the Ombudsman received a complaint from him claiming that he had been placed in solitary confinement and denied visits since February 2023 without knowing the reason. The secretariat is currently taking the necessary procedures regarding this complaint, as it is still under investigation by the competent authorities.

85. Mr. Fadhel Mohamed was arrested on 22 November 2021 based on an arrest warrant and search warrant duly issued on 21 November 2021. He made his first call to a relative on 22 November 2021 and made two subsequent calls to a relative (on 23 November) and another family member (on 24 November). When asked by the Public Prosecution if he had a lawyer to attend with him prior to his interrogation, he answered "no". However, a lawyer attended him during his trial. He confessed to charges of joining a terrorist group and possessing and obtaining weapons for terrorist purposes, but denied the charge of resisting law enforcement officers.

86. He did not claim that he was subjected to torture during his interrogation. He was presented to a pathologist and no injuries were found. The medical report indicates that he does not suffer from any chronic diseases and that he is not prescribed any treatment or medication; his medical examination shows him to be in good health and his vital signs are at a normal level. Between April and June 2023, he made 161 calls and four video calls, had



one visit while being denied two visits, refusing two visits himself and on one occasion his visitors did not attend.

87. Mr. Ahmed Rashed was arrested on 22 November 2021 based on an arrest warrant and search warrant duly issued on 21 November 2021. His first contact was with a family member on 22 November 2021, subsequent to which he made a call to another family member on 24 November 2021. When asked by the Public Prosecution if he had a lawyer to attend with him prior to his interrogation, he answered “no”. However, the lawyer attended him during the trial stage. He confessed to the charges of possession of weapons and receiving and delivering money for a terrorist group but denied joining a terrorist group.

88. Mr. Ahmed Rashed did not claim that he was subjected to torture during his interrogation. When presented to a forensic pathologist, no injury was found other than an old burn from surgical treatment. The medical report indicates that he does not suffer from any chronic diseases and that he is not prescribed any treatment or medication; his medical examination shows him to be in good health. Between April and June 2023, he made 338 calls and six video calls and received one visit while he refused four other visits.

89. Mr. Hasan Rashed was arrested on 26 November 2021 based on an arrest warrant and search warrant duly issued on 21 November 2021. His first contact was with a family member on 26 and 30 November 2021. When asked by the Public Prosecution if he had a lawyer to attend with him prior to his interrogation, he answered “no”. However, a lawyer attended him during the trial stage. He denied the accusation charged against him.

90. Mr. Hasan Rashed did not claim that he was subjected to torture during his interrogation and no injuries were found on him when he was presented to the forensic pathologist. He refused to be presented to a doctor and a medical report was issued based on the information registered in the health-care system. On 6 June 2023, he was transferred to the emergency department of Salmaniya Medical Complex and appropriate treatment was prescribed, including regular follow-ups.

91. Between April and June 2023, he made 164 calls and 10 video calls. It was not possible to provide visits owing to a recent fire in the visitation building.

92. Mr. Sarhan was arrested on 22 November 2021 based on an arrest warrant and search warrant duly issued on 21 November 2021. He made his first call to a family member on 22 November 2021, followed by two more calls to the same family member on 24 and 30 November 2021. A lawyer in the Public Prosecution Office attended him during his interrogation, as well as during his trial. He denied all charges brought against him.

93. Previous medical reports showed that he suffered from asthma (for which he uses an inhaler), pain in his right knee resulting from a football injury, pain in his right ear (for which he received necessary treatment) and nosebleeds, for which he was referred to an ear, nose and throat clinic in March 2022. His family submitted a request to the Ombudsman regarding his nosebleeds, after which the relevant authorities were contacted and Mr. Sarhan was taken to a scheduled appointment. Between April and June 2023, he made 212 calls and had five visits.

94. Mr. Sarhan did not claim that he was subjected to torture during his interrogation and no injuries were found on him when he was presented to the forensic pathologist. On 7 February 2022, the Special Investigation Unit received a complaint from his lawyer alleging that Mr. Sarhan was subjected to physical torture by law enforcement officers, allegedly to induce a confession. The Unit initiated investigations, heard a statement by Mr. Sarhan on 9 February 2022 and decided that he was not subjected to torture or ill-treatment at the time of arrest. Medical reports indicated that he did not suffer from any physical injuries. The interrogation record did not reveal any claims of torture or ill-treatment. He was questioned in the presence of two lawyers, one of whom represented him before the Unit. He denied the accusations, except for receiving cash and delivering it to the home of another accused individual. He did not claim to have suffered any visible injuries during questioning or indicate any non-apparent injuries. This contradicts the claims that he was presented to the Public Prosecution without his lawyer.

95. The final criminal judgment was issued against Mr. Sarhan, which also confirmed that his confession during the investigation by the Public Prosecutor was accordance with the law,

facts and evidence. The confession was voluntary and based on free will, without coercion. Based on this, the Special Investigation Unit closed the case file regarding the complaint alleged by the individual's lawyer as the record does not support these claims.

96. Mr. Salman was arrested on 26 November 2021 based on an arrest warrant duly issued on 21 November 2021 and a search warrant duly issued on 22 November 2021. He made his first call to a family member on 26 November 2021, followed by another call to the same person on 28 November 2021. A lawyer attended him when he was interrogated at the Public Prosecution Office and during the trial. He confessed to charges of joining a terrorist group and receiving money from a terrorist.

97. Mr. Salman did not claim that he was subjected to torture during his interrogation and no injuries were found on him when he was presented to the forensic pathologist. His medical reports indicated that he suffers from a tumour in the coccyx and a glucose-6-phosphate dehydrogenase deficiency. He underwent treatment for scabies, attended an appointment for abdominal radiation therapy and was advised to undergo an X-ray for a recent ankle sprain. Between April and June 2023, he made 168 phone calls and 10 video calls. It was not possible to arrange visits for inmates due to a recent fire in the visitation building.

98. The Government submits that the allegations of arrests without arrest warrants are baseless. The Criminal Investigation and Evidence Department arrested all the suspects based on a legally issued warrant from the responsible authority. The police officers carried out their duties in accordance with the law and as specified in the first paragraph of article (61) of Decree-Law No. (46) of the Criminal Procedures Law.

99. The Government denies that the six individuals had not been able to communicate with their relatives, which is, according to the Government, a right guaranteed by above-mentioned article (61). All individuals were allowed to contact their relatives, as evidenced by the phone call records, and all have the right to make phone calls for a maximum of half an hour each week and to receive necessary calls, as determined by the director of the Dry Dock Detention Centre or his representative.

100. The Government further submits that Law No. (18) of 2014 on the establishment of correction and rehabilitation institutions entitles all inmates or pretrial detainees to meet their lawyers. Therefore, if an inmate wishes to appoint a lawyer or if any lawyer presents a power of attorney for an inmate, both parties are enabled to complete these procedures.

101. Finally, the Government denies the source's submissions in respect of torture and the signing of investigation records under duress. Bahrain is committed to ensuring the protection of all citizens and residents from torture. Additionally, independent oversight bodies, such as the Special Investigation Unit and the Office of the Ombudsman, investigate these allegations impartially and independently.

**(c) Additional comments from the source**

102. In its further comments of 26 July 2023, the source submits that the Government, in its response, fails to acknowledge the manner in which Messrs. Fadhel Mohamed and Hasan Rashed were arrested.

103. According to the source, the Government's response raises concerns about the fairness of the proceedings and independence and effectiveness of legal counsel. The Government mentions that Messrs. Abduljabbar Mohamed, Fadhel Mohamed, and Ahmed Rashed were asked if they had a lawyer and they responded "no". The source reiterates that they were subsequently interrogated without a lawyer in line with the Bahraini authority's record of prohibiting legal counsel from being present during interrogations. It stresses that it is the responsibility of the Government to appoint a legal counsel. In respect of Mr. Sarhan, the Government notes the presence of a lawyer during interrogation and trial but does not address the fact that he did not have access to his lawyer during the entirety of the 10-day interrogation period. Although the Government claims that a lawyer from the Public Prosecution Office attended Mr. Salman's interrogation and trial, it does not provide any information on the lawyer's involvement or whether Mr. Salman had access to independent legal representation. The source submits that he was not allowed any contact with his lawyer during the investigation, at the Public Prosecution Office and at his trial.

104. The source submits that the Government fails to refute that the individuals were forced to confess due to torture. It also fails to respond to the allegations that the individuals did not have adequate time to prepare their defence, that their torture-tainted confessions were used against them in trial and that they were not allowed to present or challenge evidence during the trial.

105. The Government does not acknowledge that Mr. Hasan Rashed was a minor at the time of arrest and interrogation violates and his treatment violates domestic law and the Convention on the Rights of the Child.

## 2. Discussion

106. The Working Group thanks the source and the Government for their submissions.

107. In determining whether the deprivation of liberty of the six individuals is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has presented a prima facie case for breach of the international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.<sup>2</sup>

108. The Working Group notes that while Mr. Hasan Rashed is no longer a minor at the time of adoption of the present opinion, he was under 18 years of age at the time of his arrest and detention and his submissions will be considered in the light of the obligations of Bahrain under international human rights law, including the Convention on the Rights of the Child.

### (i) Category I

109. The source submits that all individuals were not informed of the reasons for arrest or charges against them at the time of their arrest. In its response, the Government does not state that the individuals were provided with the reasons for their arrest. While the Government sets out relevant legislation in its response it does not detail the application of the legislation in relation to the six individuals. As the Working Group has consistently stated, an arrest is arbitrary when it is carried out without informing the arrested person of the reasons for the arrest.<sup>3</sup> The reasons for arrest must be provided immediately upon arrest.<sup>4</sup> As such, the Working Group finds a violation of article 9 (2) of the Covenant.

110. The source makes an unrefuted submission that all six individuals were not presented to a judicial authority 48 hours after their arrest. According to article 9 (3) of the Covenant, anyone arrested or detained on a criminal charge is to be brought promptly before a judge. As the Human Rights Committee has noted, 48 hours is ordinarily sufficient to satisfy the requirement of bringing a detainee "promptly" before a judge following his or her arrest; any longer delay must remain absolutely exceptional and be justified under the circumstances.<sup>5</sup> The Working Group thus finds that that none of the individuals were brought promptly before a judicial authority, in violation of article 9 (3) of the Covenant. In relation to Mr. Hasan Rashed, who was a minor at the time of his arrest, the Working Group recalls articles 37 (b) and 40 (2) (b) (ii) of the Convention on the Rights of the Child, noting that every child arrested and deprived of his or her liberty should be brought before a competent authority within 24 hours to examine the legality of the deprivation of liberty or its continuation.<sup>6</sup>

111. In addition, the source makes unrefuted submissions about the violent manner in which Messrs. Fadhel Mohamed and Hasan Rashed were arrested, which, in the view of the Working Group, contributes to the illegality of the arrests. In particular, Mr. Hasan Rashed

<sup>2</sup> A/HRC/19/57, para. 68.

<sup>3</sup> Opinions No. 10/2015, para. 34; No. 46/2019, para. 51; No. 59/2019, para. 46; and No. 46/2020, para. 40.

<sup>4</sup> Human Rights Committee, general comment No. 35 (2014), para. 27. See also opinion No. 30/2017, paras. 58–59.

<sup>5</sup> Human Rights Committee, general comment No. 35 (2014), para. 33. See also CCPR/C/BHR/CO/1, paras. 39–40.

<sup>6</sup> Committee on the Rights of the Child, general comment No. 24 (2019), para. 90.

was beaten and threatened with rape and electrocution while in the detention bus following his arrest. Mr. Fadhel Mohamed was beaten in the detention bus, leading to a fall off the bus in which his hand was injured.

112. In relation to some of the individuals, it is alleged that warrantless searches were conducted in the homes of several of the individuals. While it is unclear if any material seized during these illegal searches was used during the legal proceedings, such conduct further demonstrates that the failure of the authorities to follow proper procedures compounded the arbitrary nature of the detentions.

113. The Government submits that all six individuals were allowed to make initial contact soon after their arrest and denies that they were unable to communicate with their relatives, which is guaranteed by domestic law, referring to phone call records and their right to make phone calls for a maximum of half an hour each week and to receive necessary calls. It lists a large number of phone calls for the months of April through June 2023. Acknowledging these submissions and observing that the six individuals were arrested in 2021, the Working Group takes the view that the Government's submissions do not contradict the source's submissions about the denial or restriction of the right to communicate following the initial contact after their arrest in November 2021.

114. As the Human Rights Committee has observed, giving prompt and regular access to family members and to independent medical personnel and lawyers is an essential and necessary safeguard for the prevention of torture and the protection against arbitrary detention and infringement of personal security.<sup>7</sup> Accordingly, the Working Group finds that the right of these individuals to contact with the outside world was denied, contravening rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)<sup>8</sup> and principles 15 and 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

115. In the light of this restricted access to the outside world, it appears that the individuals were unable to effectively exercise their right to challenge their detention so that a court could decide without delay on its legality in accordance with article 9 (4) of the Covenant. Holding persons so that they have no access or restricted access to the outside world, in particular to their family and lawyers, violates their right to challenge the lawfulness of their detention before a court under article 9 (4) of the Covenant.<sup>9</sup> Judicial oversight of detention is a fundamental safeguard of personal liberty<sup>10</sup> and is essential to ensuring that detention has a legal basis. Given that the individuals were unable to challenge their detention, their right to an effective remedy under article 8 of the Universal Declaration of Human Rights and article 2 (3) of the Covenant was also violated.

116. The Working Group thus finds that the detention of the six individuals is arbitrary under category I.

(ii) *Category III*

117. The source submits that the six individuals were also prevented from accessing legal counsel and denied adequate time and facilities to prepare their defence. The Government refers to domestic legislation that entitles all inmates or pretrial detainees to meet their lawyers. The Government states that that Messrs. Abduljabbar Mohamed, Fadhel Mohamed, Ahmed Rashed and Hasan Rashed were asked if they had a lawyer and they said they did not. The source reiterates that they were subsequently interrogated without a lawyer, in line with the Bahraini authority's record of prohibiting legal counsel from being present during interrogations. In respect of Mr. Sarhan, the Government notes the presence of a lawyer during interrogation and trial but does not address the fact that he did not have access to his lawyer during the entirety of the 10-day interrogation period. Although the Government claims that Mr. Salman had access to a lawyer during interrogation and trial, it does not

<sup>7</sup> Human Rights Committee, general comment No. 35 (2014), para. 58. See also opinion No. 84/2020, para. 70.

<sup>8</sup> Opinions No. 35/2018, para. 39; No. 44/2019, para. 75; and No. 45/2019, para. 76.

<sup>9</sup> See opinions No. 32/2019, No. 33/2019, No. 45/2019, No. 59/2019, No. 5/2020 and No. 41/2020.

<sup>10</sup> [A/HRC/30/37](#), para. 3.

provide any information on the lawyer's involvement or whether he had access to independent legal representation.

118. The Working Group recalls that all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and that such access is to be provided without delay.<sup>11</sup> The Working Group considers that the source has established that all six individuals did not have adequate access to a lawyer during their detention; for four of these individuals (Messrs. Abduljabbar Mohamed, Fadhel Mohamed, Ahmed Rashed, and Hasan Rashed), these violations occurred at the outset of their detention and persisted during key stages, for example during their interrogation. As a result, they were not afforded the right to adequate time and facilities for the preparation of their defence and to communicate with counsel of their choosing under article 14 (3) (b) of the Covenant. The fact that they were facing serious national security charges made these violations of due process all the more egregious.

119. In the case of Mr. Hasan Rashed, who was a minor at the time of arrest, the Working Group recalls his rights under articles 37 (d) and 40 (2) (b) (ii) of the Convention on the Rights of the Child to prompt access to legal assistance and to legal assistance in the preparation of their defence. States should ensure that a child is guaranteed legal or other appropriate assistance from the outset of the proceedings, in the preparation and presentation of the defence and until all appeals and/or reviews are exhausted.<sup>12</sup> The Government does not respond to the source's allegation that Mr. Hasan Rashed was interrogated without the presence of a guardian despite being a minor.

120. The source submits that all six individuals have reported being subjected to torture and ill-treatment in order to extract confessions, which were then used against them in trial. The source provides detailed descriptions of these types of torture and severity of impact on the six individuals. The Government denies the source's submissions in respect of torture and forced confessions. The Government submits that no one claimed torture during interrogation and no relevant injuries were found when presented to a forensic pathologist. In relation to Mr. Abduljabbar Mohamed, the source submits that by the time he was presented to the forensic pathologist, all traces of the torture had disappeared as the torture was perpetrated 10 days prior to the examination. The alleged mistreatment may not have left a physical mark, particularly as the medical examination was conducted sometime after the alleged violence. In this regard, the Working Group recalls that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), which states that the absence of physical evidence should not be construed to suggest that torture did not occur, since such acts of violence against persons frequently leave no marks or permanent scars.<sup>13</sup>

121. While the Government submits that bodies such as the Special Investigation Unit and the Office of the Ombudsman investigate torture allegations impartially and independently, the source submits that only one of these torture claims were investigated by authorities in case of Mr. Sarhan. The source submits that after his lawyer requested an urgent investigation into Mr. Sarhan's torture, representatives of the Unit met with him. A forensic doctor who was sent the same day came to check on Mr. Sarhan without examination tools, only taking photographs with his phone. The family has yet to receive a letter or response on this matter. The Working Group recalls that the Istanbul Protocol provides guidelines for the investigation of torture allegations, in line with obligations under international law, in a manner that is prompt, independent, impartial and effective.

122. In the light of the source's detailed submissions and the responses of the Government noted above, the Working Group reiterates its concerns about the independence and

<sup>11</sup> Ibid., principle 9 and guideline 8; Committee on the Rights of the Child, general comment No. 24 (2019), para. 95 (e); and [CRC/C/BHR/CO/4-6](#), para. 44 (b).

<sup>12</sup> Committee on the Rights of the Child, general comment No. 24 (2019), para. 49; and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), rule 15.

<sup>13</sup> Opinion No. 53/2018, para. 76, and Istanbul Protocol, para. 161.

effectiveness of the Special Investigation Unit.<sup>14</sup> In its concluding observations issued in 2017, the Committee against Torture noted that the investigative bodies of Bahrain, including the Ombudsman and the Unit, were not independent or effective. The Committee noted that, since their establishment in 2012, the Ombudsman and the Unit had had little or no effect and that the authorities had provided negligible information regarding the outcome of the activities of the Ombudsman and the Unit.<sup>15</sup>

123. Weighing the submissions of both parties, the Working Group concludes that the source has presented a credible prima facie case that the individuals were subjected to physical and psychological torture and ill-treatment. The alleged conduct violates article 5 of the Universal Declaration of Human Rights and article 7 of the Covenant. In relation to Mr. Hasan Rashed, who was a minor at the time of arrest, the Working Group recalls his rights under article 37 (a) and (c) of the Convention on the Rights of the Child and articles 2 and 16 of the Convention against Torture.<sup>16</sup> The use of physical or psychological force on a child is a serious abuse of power lacking in necessity and proportionality.<sup>17</sup> The Working Group recalls that the Committee against Torture has noted its concern about reports of torture of individuals who were minors at the time of arrest and about the incarceration of minors in Bahrain.<sup>18</sup>

124. The Government denies that the six individuals were convicted on the basis of confessions obtained through torture. The burden is on the Government to prove that the statements of the individuals were given freely,<sup>19</sup> but it has not done so adequately. The Working Group is persuaded by the source's submissions that the six individuals confessed under torture and duress, noting its finding above on inadequate legal assistance. The Working Group has repeatedly found that the admission into evidence of a statement obtained through torture renders the entire proceedings unfair.<sup>20</sup> Confessions made in the absence of legal counsel are not admissible as evidence in criminal proceedings.<sup>21</sup> Consequently, their right to be presumed innocent under article 14 (2) of the Covenant and not to be compelled to confess guilt under article 14 (3) (g) of the Covenant have been violated, as has principle 21 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which protects detainees from self-incrimination or compelled confessions.

125. The Working Group recalls the finding of the Committee against Torture that the intentional infliction of physical or psychological pressure to obtain a confession also violated the obligations of Bahrain under articles 2, 15 and 16 of the Convention against Torture. Moreover, the prosecutor was obliged to investigate and report the torture and forced confessions in accordance with guidelines 12 and 16 of the Guidelines on the Role of Prosecutors.<sup>22</sup>

126. The prohibition against the use of self-incriminating confessions is amplified when the victim is a child.<sup>23</sup> In the case of Mr. Hasan Rashed, the Working Group recalls the right to be presumed of innocence under article 40 (2) (b) (i) and the right not to be compelled to confess guilt under article 40 (2) (b) (iv) of the Convention on the Rights of the Child. The Committee on the Rights of the Child has expressed concern about the arbitrary detention of children, reports of the ill-treatment of children by police and in detention centres and the alleged use of torture by law enforcement officials to elicit confessions from children in detention in Bahrain.<sup>24</sup>

<sup>14</sup> CAT/C/BHR/CO/2-3, para. 28; and opinions No. 4/2021, para. 72; No. 65/2022, para. 114; No. 2/2023, para. 100; and No. 25/2023, para. 122.

<sup>15</sup> CAT/C/BHR/CO/2-3, para. 28.

<sup>16</sup> Opinions No. 41/2015, para. 42; and No. 2/2021, para. 74.

<sup>17</sup> Opinion No. 3/2017, para. 30. See also CRC/C/BHR/CO/4-6, paras. 26–27.

<sup>18</sup> CAT/C/BHR/CO/2-3, paras. 26–27.

<sup>19</sup> Human Rights Committee, general comment No. 32 (2007), para. 41.

<sup>20</sup> See opinions No. 43/2012, No. 34/2015, No. 52/2018 and No. 59/2019.

<sup>21</sup> See opinions No. 14/2019 and No. 59/2019. See also E/CN.4/2003/68, para. 26 (e); A/HRC/45/16, para. 53; and Committee on the Rights of the Child, general comment No. 24 (2019), paras. 58–60.

<sup>22</sup> Opinions No. 47/2017, para. 29; and No. 63/2020, para. 42.

<sup>23</sup> Opinion No. 27/2014, paras. 27–30.

<sup>24</sup> CRC/C/BHR/CO/4-6, paras. 26–27.



127. Noting the response of the Government, the Working Group refers to the source's submission detailing the injuries arising from torture, the health issues linked to the conditions of detention and inadequate access to health care, including the handling of the COVID-19 pandemic in the detention facilities. The Working Group recalls that the denial of medical care can constitute a form of torture.<sup>25</sup> Given the serious allegations of torture and ill-treatment, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

128. Taking these factors into account, the Working Group finds that the violations linked to the conditions of detention of the six individuals significantly undermined their ability to properly defend themselves. The Working Group has consistently concluded in its opinions that when it is not possible for a person who is subjected to torture or other forms of ill-treatment or punishment to prepare an adequate defence before the judicial proceedings, this amounts to a fair trial violation.<sup>26</sup>

129. The source argues that several of the individuals were sentenced in absentia. The Government does not respond about this issue. According to the Human Rights Committee, proceedings in the absence of the accused are compatible with article 14 (3) (d) of the Covenant only if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance.<sup>27</sup> While the source has not provided sufficient information for the Working Group to make this assessment, the Working Group records its concern about the length of the sentences reportedly imposed in absentia.

130. For the reasons above, the Working Group concludes that the breaches of the fair trial and due process rights of the six individuals are of such gravity as to give her deprivation of liberty an arbitrary character, falling within category III.

(iii) *Category V*

131. The source submits that Mr. Abduljabbar Mohamed faced sectarian insults during his interrogation, which reveals the sectarian nature of his targeting, rendering his detention arbitrary under category V. While the Government does not specifically refute these submissions, the source does not adequately substantiate these allegations. As such, the Working Group is unable to reach a conclusion under category V.

(iv) *Concluding remarks*

132. The Working Group is concerned by the severity of the physical and psychological torture alleged by the six individuals and the ongoing impact of the injuries suffered by them as a result. The Working Group reminds the Government of its obligations under article 10 (1) of the Covenant and of rules 1, 24, 27 and 118 of the Nelson Mandela Rules, which state that all persons deprived of their liberty must be treated with humanity and with respect for their inherent dignity, including by being allowed to enjoy the same standards of health care available in the community.<sup>28</sup>

133. These cases follow the pattern of numerous other cases brought before the Working Group in recent years concerning the arbitrary deprivation of liberty in Bahrain: warrantless, pretrial detention with limited access to judicial review; denial of access to lawyers; forced confession; torture and ill-treatment; and denial of medical care.<sup>29</sup> The Working Group recalls that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.<sup>30</sup>

<sup>25</sup> A/HRC/38/36, para. 18. See also opinions No. 20/2022, para. 104; and No. 65/2022.

<sup>26</sup> Opinions No. 32/2019, para. 42; No. 59/2019, para. 69; and No. 65/2022, para. 117.

<sup>27</sup> Human Rights Committee, general comment No. 32 (2007), para. 36.

<sup>28</sup> Opinion No. 26/2017, para. 66.

<sup>29</sup> See opinions No. 31/2019, No. 59/2019, No. 73/2019, No. 5/2020, No. 41/2020 and No. 87/2020.

<sup>30</sup> Opinion No. 47/2012, para. 22.

134. The Working Group would welcome the opportunity to conduct a country visit to Bahrain. The Working Group visited Bahrain in October 2001 and considers that it is now an appropriate time to conduct another visit.

### **3. Disposition**

135. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of the six individuals, being in contravention of articles 3, 5, 6, 8, 9, and 10 of the Universal Declaration of Human Rights and 2, 7, 9 and 14 of the International Covenant on Civil and Political Right is arbitrary and falls within categories I and III.

136. The Working Group requests the Government of Bahrain to take the steps necessary to remedy the situation of the six individuals, without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights.

137. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release the six individuals immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global COVID-19 pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure the immediate unconditional release of the six individuals.

138. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of the six individuals, including the allegation that they were tortured, and to take appropriate measures against those responsible for the violation of their rights.

139. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers for appropriate action.

140. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

### **4. Follow-up procedure**

141. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether the six individuals have been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to the six individuals;
- (c) Whether an investigation has been conducted into the violation of the rights of the six individuals and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Bahrain with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

142. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

143. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action



would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

144. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>31</sup>

*[Adopted on 30 August 2023]*

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<sup>31</sup> Human Rights Council resolution 51/8, paras. 6 and 9.